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EXAMINER

HO, HUY C

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,250	<b>Applicant(s)</b> RANTAPUSKA, OLLI	
	<b>Examiner</b> Huy C. Ho	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/29/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/29/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed on April 29, 2005 has been received and placed of record in the file.

### ***Preliminary Amendment***

The preliminary amendment filed on April 29, 2005 with the application papers has been received and placed on record in the file.

### ***Drawings***

1. The drawings in page 1 are objected to because missing specified labels. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and

informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-2, 4-11, 13-16** are rejected under 35 U.S.C. 102(e) as being anticipated by **Robarts et al. (2004/0002843 A1)**.

**Consider claim 1**, Robarts et al. teach a method for simulating communication on a terminal device of a communication network, said terminal device comprising a communication functionality and a storage (see the Abstract; see figure 2, figure 11 numbers 1102, 1107, 1106 and 1130; figure 12, numbers 1202, 1207 and 1203, par [68], [69] and [70], where Robarts et al. describe a method for interacting with simulated phenomena via a usage of a mobile device in a mobile network and the mobile device comprises a display and a memory, thus describing method for simulating communication on a terminal device, where said terminal device comprising a communication functionality and a storage), now the method comprises:

detecting an initiation event in said terminal device (see figure 2 numbers 201, 204, 205; see pars [12] and [41], where Robarts describes the mobile device is a sensing device/function capable sensing simulated or real phenomena and forwarding this interaction request which includes one or more operations of detection, measurement, communication and manipulation to

the simulation engine for processing, thus describing detecting an initiation event in said terminal device),

determining properties of said detected initiation event (see figure 2, number 205, see pars [40] and [41], where Robart et al. describe the simulation engine responds to the indicated interaction request and determine whether the interaction request is permissible, thus describing determining properties of said detected initiation event),

generating a simulated message related to said determined properties, said message being generated from data stored in said storage (see figure 2, numbers 202, 203; figure 6, numbers 620-624; see pars [11], [40], [41] and [51], where Robarts et al. describe the simulation engine performs the interaction response where these information is stored in the data and logic data repository, thus describing generating a simulated message related to said determined properties, said message being generated from data stored in said storage), and

presenting said simulated message via said communication functionality (see figure 3, number 304, figure 11, number 1102, figure 12, number 1202; see pars [42], [43], [44] and [45], where Robarts et al. disclose the results of an interaction request are displayed on a display area, thus discloses presenting said simulated message via said communication functionality).

**Consider claim 2**, as applied to **claim 1**, Robarts et al. teach said generation step comprises composing said simulated message from said data in correspondence with said determined properties and composing rules stored in said storage? (see figure 6, numbers 620-624, figures 8 and 9, figure 12, number 1207 and 1220, see pars [11], [40], [41], [52], [55], [59], [60] and [70], where Robarts et al. disclose the simulation engine either remotely from the phone device (figure 11) or within the phone device (figure 12) performs the interaction response based on the collected narrative data, event logic, a simulated phenomena characterizations data and algorithms such as artificial intelligent based algorithms that are stored in various configured repositories in the simulation engine thus discloses composing said simulated message from said data in correspondence with said determined properties and composing rules stored in said storage).

**Consider claim 4**, as applied to **claim 1**, Robart et al. disclose receiving data from a provider, data comprises components, fragments of simulated messages and rules for generating said simulated message (see figure 10, paragraphs [66], where Robarts discloses information,

attributes and behavior of simulated phenomena, the data stored in the repositories in the simulation engine are available through a web servers, thus discloses receiving data from a provider, data comprises components, fragments of simulated messages and rules for generating said simulated message).

**Consider claim 5**, as applied to **claim 1**, Robarts et al. disclose said initiation event is a predetermined point of time (see par [51], where Robarts discloses the simulated phenomena attributes data repository 620 typically stores information that is used to characterize and implement the "behavior" of simulated phenomena (responses to interaction requests). For example, attributes may include values for location, orientation, velocity, direction, acceleration, path, size, duration schedule, type, elasticity, mood, temperament, image, ancestry, or any other seemingly real world or imaginary characteristic of simulated phenomena, thus discloses the initiation event is a predetermined point of time).

**Consider claim 6**, as applied to **claim 1**, Robarts et al. disclose said initiation event is defined by a reception of a user input or the reception of a message from a provider (see figure 10, paragraphs [66], see figure 9, numbers 901 and 902, par [60], where Robarts teaches the mobile device senses values based on the real world environment through an operator input and also teaches information, attributes and behavior of simulated phenomena, the data stored in the repositories in the simulation engine are available through a web servers, thus Robarts teaches said initiation event is defined by a reception of a user input or the reception of a message from a provider).

**Consider claim 7**, as applied to **claim 1**, Robarts et al. teach a method of analyzing and evaluating said initiation event (see para [40], where Robarts discloses the simulation engine responds to such indicated requests by determining whether the indicated interaction request is permissible and performing the interaction request if deemed permissible, so discloses a method of analyzing and evaluating said initiation event).

**Consider claim 8**, as applied to **claim 1**, Robarts et al. disclose at least one of said simulated messages comprises at least one advertisement (see para [48], where Robarts teaches the mobile user is led by the Simulate Phenomena Integrated System to the desired physical destination and encouraged to engage in desired behavior (such as paying for the ride) by being "rewarded" by the SPIS according to the narrative (such as becoming eligible for some real

world prize once the state of the mobile device is shown to a park operator). Many other gaming, training, and computer aided learning experiences can be similarly presented and supported using the techniques of a Simulated Phenomena Interaction System, thus discloses said simulated messages comprises at least one advertisement).

**Consider claim 9**, as applied to **claim 1**, Robarts et al. teach a software tool comprising program code means stored on a computer readable medium for carrying out the method of claim 1 when said software tool is run on a computer or network device (refer to figure 6, number 601-604, see pars [62], [63], [65], [66], [69] where Robarts discloses a variety software configurations may be used to implement a Simulated Phenomena Interaction System, data formats and code sequences, etc., in order to provide a thorough understanding of the techniques of the methods and systems of the present invention. Other downloaded code and potentially other data repositories also reside in the memory, and preferably execute on one or more CPUs, or network devices such as cell phones, PDAs, GPS, portable computing devices).

**Consider claim 10**, as applied to **claim 1**, Robarts et al. teach a computer program product comprising program code means stored on a computer readable medium for carrying out the method of claim 1 when said program product is run on a computer or network device (refer to figure 6, number 601-604, see pars [62], [63], [65], [66], [69] where Robarts discloses a variety software configurations may be used to implement a Simulated Phenomena Interaction System, data formats and code sequences, etc., in order to provide a thorough understanding of the techniques of the methods and systems of the present invention. Other downloaded code and potentially other data repositories also reside in the memory, and preferably execute on one or more CPUs, or network devices such as cell phones, PDAs, GPS, portable computing devices).

**Consider claim 11**, as applied to **claim 1**, Robarts et al. teach a computer program product comprising program code, downloadable from a server for carrying out the method of claim 1 when said program product is run on a computer or network device. (refer to figure 6, number 601-604, see pars [62], [63], [65], [66], [69] where Robarts discloses some program code such as C, C++, C# and Java is available for downloaded through web servers, thus teach a computer program product comprising program code, downloadable from a server for carrying out the method of claim 1 when said program product is run on a computer or network device ).

**Consider claim 13**, Robarts et al. teach a network terminal device for executing simulated communication (see figure 6, numbers 601-604 and number 610, par [49], [65], [69], where Robarts discloses variety of network devices are used for carrying out the simulated phenomena) comprising:

a detection module for detecting an initiation event (see figure 2, number 204, figure 11, number 1103, figure 12, numbers 1202, 1203, see pars [41], [68], [69], [70], [84], [76], where Robarts et al. disclose the sensing function/device 204 or environment sensors 1103 are part of the mobile device used in sensing or interacting with real world, thus describes a detection module for detecting an initiation event),

a determination module, connected to said detection module for determining properties of said detected initiation event (see figures 11 and 12, numbers 1104, 1107, 1108, 1220, pars [40], [41], [68], [69] and [70], where Robarts teaches the connection among the detection parts: display, environment sensors to the memory and the CPU of the mobile device for determining whether the interaction request is permissible for simulating process, thus discloses a connected to said detection module for determining properties of said detected initiation event),

a storage for storing components of simulated messages (see figure 6 numbers 620-624, figure 11, numbers 1104, 1107, figure 12 numbers 1207, pars [49], [68], [69] and [70], where Robarts describes variety of repositories for storing data and interacting with the narrative unit during the simulating process, thus describing a storage for storing components of simulated messages),

a generation module, connected to said determination module and to said storage module, for generating simulated messages from said stored components in correspondence with said determined properties (see figure 2, numbers 202, 203; figure 6, numbers 620-624, figure 11, numbers 1104, 1107, figure 12 numbers 1207, see pars [11], [40], [41] [49], [51], [59], [68], [69] and [70]) where Robarts et al. disclose the mobile device (fat client) with a built-in simulation engine is capable of determining the event is allowed then performing that event (the interaction



response), where these information is stored in the data and logic data repository, thus describing generating a simulated message related to said determined properties, said message being generated from data stored in said storage),

a communication component for presenting said generated simulated messages (see figure 3, number 304, figure 11, number 1102, 1105; figure 12, number 1202, 1205; see pars [42], [43], [44] and [45], where Robarts et al. disclose the results of an interaction request are displayed on a display, thus discloses presenting said simulated message via said communication functionality).

**Consider claim 14**, as applied to **claim 13**, Robarts et al. disclose an interface module for receiving data comprising components of said simulated messages and generation rules for generating said simulated messages (see figure 11, numbers 1105, 1106, 1102, 1103, 1107, 1108; pars [69], [73], where Robarts discloses input/output devices 1106, a display 1102, network devices 1106 and environment sensors 1103 are used for interacting, communicating or sensing/detecting the simulated phenomena with the simulation engine, thus disclose an interface module for receiving data comprising components of said simulated messages and generation rules for generating said simulated messages).

**Consider claim 15**, as applied to **claim 13**, Robart et al. clearly disclose that the said terminal device comprises a mobile phone (see figure 2, number 201, figure 6, numbers 601, 604).

**Consider claim 16**, Robarts et al. disclose a network device for providing data for generating a simulated communication to terminal devices (see figure 6, number 610, pars [11], where Robarts teaches simulation engine comprises a narrative with data and event logic, a

simulated phenomena characterizations data repository, and a narrative engine or comprises other data repositories or store other data that characterizes the state of the mobile device, information about the operator/player. The narrative engine performs interaction with a simulated phenomenon and responds back to the mobile device, thus teaches a network device for providing data for generating a simulated communication to terminal devices), comprising:

a storage module for storing generation rules for simulated messages, simulated message components and evaluation rules (see figure 6, number 620-624, pars [49], [50] and [51], where Robarts discloses variety of repositories for storing information such as the simulated phenomena attributes data repository 620 that is used to characterize and implement the "behavior" of simulated phenomena, or the data and event logic storage is used to determine a next logical response to an interaction request, thus describes a storage module for storing generation rules for simulated messages, simulated message components and evaluation rules),

a communication module for connecting to said communication network and to said terminal devices (see figure 6, number 611, figure 7, number 703, par [54], where Robarts teaches I/O interfaces 703 may contain, for example, support tools and protocol for interacting with a wireless device over a wireless network, thus teaches a communication module for connecting to said communication network and to said terminal devices),

a controller connected to said storage module and to said communication module, for selecting sets of simulated messages components and generation rules for transmitting said selected sets to said terminal devices (see figure 6, number 612, figure 7, number 702, pars [49], [51], [54],[55], [92] and [93], where Robarts discloses the narrative engine is in connection with repositories and the input/output interface for determine and modify the behavior of an simulated

phenomena, then uses the intelligent algorithms for distributing the interaction response to terminal device, thus discloses a controller connected to said storage module and to said communication module, for selecting sets of simulated messages components and generation rules for transmitting said selected sets to said terminal devices).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Robarts et al (2004/0002843 A1)** as applied to **claim 1** above, and further in view of **Liu et al. (6,134,514)**.

Consider **claim 3**, Robarts et al. fail to teach opening a timeframe after the detection of the initiation event and presenting simulated message after the timeframe has closed, although it is noticed that Robarts discloses the detection of an initiation event in the mobile device by the sensing function that is capable of sensing simulated or real phenomena and send it to the simulation engine for processing (see figure 2 numbers 201, 204, 205; see pars [12] and [41]). Robarts also discloses the narrative engine determines whether the previously determined conditions required to advance the narrative to the next state have been satisfied in order to continue for the next interaction request (par [73]). Liu et al. teach a simulation system that has a scheduler operable for ordering of event information received from all of the SPs in time, and for determining which event should be processed next depending of the time stamped event information and a transmit feature for notifying the respective SP to proceed and process the next event (see col 1 lines 52-67, col 9 lines 38-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Robarts and incorporate the teachings of Liu into Robarts invention to have a scheduler capable of managing time for simulated events to occur.

8. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Robarts et al (2004/0002843 A1)** as applied to **claim 1** above, and further in view of **Brockel et al. (5,794,128)**.

**Consider claim 12,** Robarts et al. fail to disclose a computer data signal embodied in a carrier wave and representing a program that instructs a computer to perform the steps of the method of claim 1 even though it is noticeable that Robarts describes a variety software configurations may be used to implement a Simulated Phenomena Interaction System, data formats and code sequences, etc., and other downloaded code and potentially other data repositories also reside in the memory, and preferably execute on one or more CPUs, or network devices such as cell phones, PDAs, GPS, portable computing devices (refer to figure 6, number 601-604, see pars [62], [63], [65], [66], [69]). Brockel et al. teach a computer data signal embodied in a carrier wave and representing a program that instructs a computer to perform the steps of the method of claim 1 (see the Abstract, see col 7 lines 8-30, where Brockel et al. disclose a method for realistic simulation of wireless information transport systems in real-time utilizing modeling techniques and computer programs where a real-time simulation output signal can be transmitted to other simulation platform engaging in a simulation exercise. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the invention of Robarts and incorporate the teaching of Brockel into Robarts' system to have an simulation output signal transmitted to other simulation platform for engaging in simulation exercise.

***Conclusion***

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Huy C. Ho whose telephone number is (571) 270-1108. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-

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3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

*Huy C. Ho*  
H.C.H./hch

  
NICK CORSARO  
SUPERVISORY PATENT EXAMINER  
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